

REMARKS

Claims 1, 9-11 and 15 stand rejected on the ground of non-statutory obviousness-type double patenting as unpatentable over claims 1-7 of U.S. Patent 7,102,743 to Sakai et al (hereafter "Sakai et al").

As the Examiner noted in the Office Action:

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Such a terminal disclosure is attached hereto, and the double-patenting rejection should be withdrawn.

The Examiner has indicated that claims 2-8, 10-14 and 16-22 would be allowable if rewritten in independent form.

Applicants respectfully defer this action until an Advisory Action is received.

In view of the aforementioned amendments and accompanying remarks, claims 1-22 are in condition for allowance, which action, at an early date, is requested.

Please ensure that JP-2001-043786, which was improperly indicated in the Information Disclosure Statement filed September 14, 2007 as "JP-2001-043876," is properly considered and appears on the face of any patent issuing from this application.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105.

Dated: August 19, 2008

Respectfully submitted,

By  _____

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